Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

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PAGE 01 MONTRE 01706 311537Z
ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 EB-08 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 AF-10
ARA-14 EA-12 NEA-10 /099 W
----------045752 011050Z /15
R 302112Z AUG 78
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC 982

UNCLAS MONTREAL 1706

FROM USREP DOWNS/ICAO

E.O. 11652: NA
TAGS: PORG, EAIR, ICAO
SUBJECT: APPOINTMENT OF DIRECTORS

1. R. W. GROSS, AUSTRALIAN REPRESENTATIVE FAVORED ME WITH A COPY OF HIS LETTER TO DR. KOTAITE DATED AUGUST 29, 1978, WITH REFERENCE TO APPOINTMENT OF DIRECTORS. TEXT OF LETTER FOLLOWS: QUOTE: DEAR DR. KOTAITE: WHEN COUNCIL DISCUSSED THE APPOINTMENT OF DIRECTORS AND FINALLY VOTED, I ABSTAINED. QUOTE: I LATER EXPLAINED MY ABSTENTION IN THAT I WAS SERIOUSLY CONCERNED WITH THE MNAGEMENT PRINCIPLE BEING SO APPLIED AND THAT IN ADDITION I WAS SOMEWHAT BEWILDERED, AS A LAYMAN, BY THE APPARENTLY CONFLICTING LEGAL OPINIONS.
QUOTE: I THEN SOUGHT LEGAL ADVICE FROM AUSTRALIA.
QUOTE: A COPY OF THAT ADVICE IS NOW ATTACHED FOR YOUR INFORMATION.
QUOTE: THIS NOTE IS NOT INTENDED, IN ITSELF, TO RE-OPEN THE ISSUE, BUT IT WOULD SEEM THAT OUR NEW FOUND APPOINTMENT RULINGS ARE SOMEWHAT DOUBTFULLY BASED.
QUOTE: EVEN SO I REMAIN OF THE OPINION THAT A FAIRLY PROLONGED COOLING OFF PERIOD IS IN THE INTERESTS OF THE BEST END RESULT IN THE LONGER RUN. SINCERELY, R.W. GROSS UNQUOTE

2. I SET OUT ONLY THE FINAL PARA OF THE OPINION OF THE
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ASSISTANT CROWN SOLICITOR OF CIVIL AVIATION: QUOTE: MY CONCLUSION IS THAT THE COUNCIL'S DECISION THAT THE METHOD OF APPOINTMENT OF DIRECTORS IS BY ELECTION BY COUNCIL ITSELF IS INCONSISTENT WITH THE DECISION OF THE ASSEMBLY THAT ALL APPOINTMENTS ARE TO BE MADE BY THE SECRETARY-GENERAL, IN SOME CASES SUBJECT TO THE APPROVAL OF THE PRESIDENT. UNTIL ASSEMBLY RESOLUTION A1-8 IS REPEALED OR AMENDED THE COUNCIL DOES NOT

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HAVE THE POWER TO APPOINT OR ELECT DIRECTOS AND THIS POWER REMAINS
VESTED IN THE SECRETARY-GENERAL. UNQUOTE
THIS CONCURS WITH OUR VIEW ALREADY EXPRESSED.

3. FINAL PARA OF MR. GROSS'S LETTER WOULD SEEM TO INDICATE
THAT NO EFFORT SHOULD BE MADE TO AMEND OR RE-OPEN THE APPOINTMENT
POLICY IN THE COMING COUNCIL SESSION.
HARPER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, VOTING, PERSONNEL APPOINTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MONTRE01706
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780357-0895
Format: TEL
From: MONTREAL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978089/aaaaagxo.tel
Line Count: 70
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 193b0467-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1811717
Secure: OPEN
Status: NATIVE
Subject: APPOINTMENT OF DIRECTORS
TAGS: PORG, EAIR, ICAO
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/193b0467-c288-dd11-92da-001cc4696bcc
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